

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:11CR261
)	
Plaintiff,)	JUDGE JACK ZOUHARY
)	
v.)	
)	
RODNEY L. BROWN,)	
)	
Defendant.)	FINAL ORDER OF FORFEITURE

It appears to the Court that the following proceedings for the issuance of a Final Order of Forfeiture have been had in this case:

1. On June 9, 2011, a six-count indictment (Dkt. No. 6) was returned in this case against defendant Rodney L. Brown. Count 2 of the indictment charged defendant Brown with interstate transportation for prostitution, in violation of 18 U.S.C. § 2421; Count 6 charged defendant Brown with felon in possession of firearm, in violation of 18 U.S.C. § 922(g)(1).

2. In part, the forfeiture provision set forth in the indictment relating to Count 2 specified as follows: "The allegations contained in Count 2 of this indictment are hereby realleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeiture pursuant to the

provisions of Title 18, United States Code, Section 2428(a). Upon conviction of this offense, defendant RODNEY L. BROWN shall forfeit to the United States all property, real and personal, that was used, or was intended to be used, to commit or to facilitate the commission of the offense; and, all property, real and personal, constituting or derived from any proceeds obtained, directly or indirectly, as a result of the offense".

3. In part, the forfeiture provision set forth in the indictment relating to Count 6 specified as follows: "The allegations contained in Count 6 of this indictment are hereby realleged and incorporated by reference as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c). Upon conviction of this offense, defendant RODNEY L. BROWN shall forfeit to the United States all firearms and ammunition involved in or used in the offense".

4. A change of plea hearing as to defendant Brown was held on January 23, 2012. A plea agreement was executed, and defendant Brown entered a plea of guilty to Count 2 [attempted interstate transportation for prostitution, 18 U.S.C. § 2421] and Count 6 of the indictment [felon in possession of firearm, 18 U.S.C. § 922(g)(1)]. With respect to forfeiture, defendant Brown agreed as follows:

a.) Pursuant to 18 U.S.C. § 2428(a), defendant Brown agreed to the forfeiture of the following properties to the United States:

- Black LG Phone.
- Tom Tom Navigation device.
- Cell phone.
- Nikon Camera D-40, s/n 3158575.
- Sprint LG Phone.
- Alltel LG Phone.
- Boost Mobil Cell.
- 2G SD Card.
- Nikon Digital Camera, model Cool Pix.
- Verizon Cell phone.

b.) Defendant Brown agreed that these properties are subject to forfeiture under 18 U.S.C. § 2428(a) as they were used, or were intended to be used, to commit or to facilitate the commission of the criminal activity charged in Count 2 of the indictment.

c.) Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), defendant Brown further agreed as part of the plea agreement to the forfeiture of the following property to the United States:

- Mossburg Model 500A shotgun, s/n SR353112.

d.) Defendant Brown agreed that this firearm is subject to forfeiture under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) as it was involved in or used in the criminal activity charged in Count 6 of the indictment.

5. The sentencing hearing for defendant Brown was held on May 30, 2012, and the Judgment in a Criminal Case [Dkt. No. 17] was filed on June 4, 2012. Defendant Brown was sentenced to the custody of the Bureau of Prisons for a term of 51 months on Counts 2 and 6, to run concurrent. Counts 1, 3, 4, and 5 of the indictment were dismissed upon motion of counsel for the United States. With respect to forfeiture, it was ordered that "[t]he defendant shall forfeit to the United States the properties identified in . . . the Plea Agreement as follows: Black LG Phone, Tom Tom Navigation Device, Cell phone, Nikon Camera D-40 - s/n 3158575, Sprint LG Phone, Alltel LG Phone, Boost Mobil Cell, 2g SD Card, Nikon Digital Camera - model Cool Pix, Verizon Cell Phone, Mossburg Model 500A shotgun - s/n SR353112".¹

6. In accordance with 21 U.S.C. § 853(n)(1) and Rule

¹ Also on May 30, 2012, a Sentencing Order [Dkt. No. 16] was filed in this case. With respect to forfeiture, the Order stated: "The defendant shall forfeit to the United States the properties identified in . . . the Plea Agreement as follows: Black LG Phone, Tom Tom Navigation Device, Cell phone, Nikon Camera D-40 - s/n 3158575, Sprint LG Phone, Alltel LG Phone, Boost Mobil Cell, 2g SD Card, Nikon Digital Camera - model Cool Pix, Verizon Cell Phone, Mossburg Model 500A shotgun - s/n SR353112". The Order was signed by defendant Brown and his counsel.

32.2(b)(6) of the Federal Rules of Criminal Procedure, notice of the forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on March 2, 2013 and ending on March 31, 2013.

7. No third party claims to the subject properties were made as a result of the internet notification.

Accordingly, it is ORDERED, ADJUDGED, and DECREED:

8. As set forth in the United States' Motion for a Final Order of Forfeiture, government counsel has learned that according to a report from the Perrysburg, Ohio, Police Department, the subject Mossburg Model 500A shotgun, s/n SR353112, is a stolen firearm. Accordingly, the firearm is released from this forfeiture action and shall be returned to its legal owner or its legal owner's representative. If the legal owner cannot be located, or is under disability, the firearm shall be destroyed.

9. The following properties are finally forfeited to the United States under 18 U.S.C. § 2428(a), and no right, title, or interest shall exist in any other party:

- Black LG Phone.
- Tom Tom Navigation device.
- Cell phone.
- Nikon Camera D-40, s/n 3158575.
- Sprint LG Phone.

- Alltel LG Phone.
- Boost Mobil Cell.
- 2G SD Card.
- Nikon Digital Camera, model Cool Pix.
- Verizon Cell phone.

10. The United States shall seize and take control of these properties, and shall dispose of them in accordance with law.

SO ORDERED this 7th day of May, 2013.

/s/ Jack Zouhary
Jack Zouhary
United States District Judge
Northern District of Ohio